

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Joint Meeting of Milpitas City Council and the Housing Authority Commission
Date: Tuesday, June 16, 2015
Time: 5:30 Housing Authority, 6:00 PM Closed Session
7:00 PM Regular Meeting
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 5:30 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

ABSENT: Councilmember Barbadillo was absent at roll call. He arrived in Closed Session.

HOUSING AUTHORITY

City Manager Tom Williams reviewed actions implementing the terms of the existing Development and Disposition Agreement for the South Main Senior Lifestyles development project. At this time, there were administrative actions to be made by the City Manager and he wanted to seek concurrence of the City Council/Housing Authority.

South Main Senior Lifestyles is a project that would contain 389 senior housing units at the 5.94 acre site on South Main Street, previously in the city's Redevelopment Agency area. 48 units would be allocated for low-income seniors.

Councilmembers asked various questions about the project, including on the low-income units to be built, offered for sale to seniors in Phase 1. It was the first section to be built with congregate care units and then later Phase II with the majority of residential units would be built.

Two items that were requested at this meeting were: an extension of time to complete the project and transfer of ownership from Mr. Callahan's firm to the Wolff companies. Integral Senior Living would be the operator for Phase 1 of South Main Senior Lifestyles project.

Mr. Joe Callahan addressed the Council, and introduced the new partner in the project, The Wolff Company. He introduced Mike Milpott from Wolff, who provided some company history and information on the financing of the project in two phases. Ms. Collette Valentine from ISL addressed the Council too, describing her company as the third largest operator of senior living facilities in California.

Vice Mayor Montano recommended a clear walking path with flashing beacons at this site and on streets nearby to allow seniors to safely cross near Great Mall Parkway at Main St. The City Manager responded to her regarding some of the scheduled improvements planned for the Transit Area Specific Plan area.

Councilmember Grilli offered compliments to Mr. Callahan for this proposed project, which she viewed as a welcome addition to the Milpitas community. He renewed his offer to City Council members to go on a tour of the Livermore site (his first-built similar senior housing).

City Manager Williams then noted that no formal action of the City Council was required while a vote of concurrence would be welcome.

Motion: to accept the report and presentation by staff and the developers of South Main Senior Lifestyles project, providing concurrence with the City Manager's administrative approval of the

transference of the Disposition and Development Agreement to a new corporate entity and permitting extension of time for completion, if needed

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

CLOSED SESSION

City Council convened to Closed Session at 6:00 PM to discuss three issues.

ANNOUNCEMENT

No announcement was made out of Closed Session.

City Council convened in Open Session at 7:47 PM.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves invited James Yu to offer the prayer for invocation.

MEETING MINUTES

Motion: to approve the minutes of May 11 and June 2, 2015 City Council meetings

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for June and July 2015, as amended

City Manager Tom Williams announced that the Sister Cities Commission would not meet in June or July, with its next meeting on August 27. The Planning Commission subcommittee would meet the following evening on Wednesday, July 17 at 5:30 PM.

Mayor Esteves announced that on June 18 and July 16, there would be no Congestion Management Group meeting. On July 2, the Santa Clara Valley Transportation Authority Board of Directors would not meet..

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves presented a commendation to Agape Mobile Dental Bus at the Senior Center. Dentists and staff provide free dental service to seniors who need it at this facility.

The Mayor presented the Youth Advisory Commission's Scholarship Award to Charles "David" Olivar, a recent graduate of Milpitas High School who will attend UC Berkeley.

Mayor Esteves proclaimed July 2015 as *Parks & Recreation Month*. It was accepted by Dr. Van La, a long-time Milpitas resident, who volunteered with her family for many Recreation events and programs, including providing translation services.

Commendations were presented to Milpitas Police Department, accepted by Chief Pangelinan, to Library Staff Debra Serrano, and to Santa Clara Valley Transportation Authority Bus Driver Tim Watson for the recent safe return of a child abducted from the Milpitas Library.

PUBLIC FORUM

Isaac Hughes, Milpitas resident, read from a report from San Jose Animal Services, about a dog bite incident in Milpitas, and made additional comments about that.

Robert Marini, Milpitas resident, asked if utility rates would be part of agenda item no. 3, and so he would return on that. He said some computers at the Senior Center did not work.

Voltaire Montemayor, Milpitas resident, said this City was great and mentioned great aspects of the City. He said to be ready for earthquakes and that he was a happy resident.

ANNOUNCEMENTS

Councilmember Giordano congratulated the City Manager and staff, school board and colleagues on Milpitas' recent rating as one of the best family friendly cities in America, according to the www.niche.com website.

Vice Mayor Montano mentioned the Youth Advisory Commission's latest event - a Math-a-thon which was a recent success with very bright kids competing. She announced that the American Cancer Society's Relay for Life fundraising event would be held on Saturday and Sunday at the Milpitas Sports Center.

Mayor Esteves announced a Buddhist event, with free medical services outreach program on Dempsey Road on Sunday, June 21 from 9 AM to 3 PM - open to all Milpitas residents.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted with one change in order

Councilmember Giordano asked to move item no. 5 (report from City Attorney Subcommittee) up to be heard after Unfinished Business, following the public hearing item.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk), as amended

City Manager Tom Williams requested to remove Item No. 17 from consent (resolution on affordable housing policy).

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

* 4. Commissions

Approved the following appointments to Commissions as follows and recommended by Mayor Esteves:

Emergency Preparedness Commission: re-appointed Mike Berryhill, Evelyn Chua and Nasir Lalani as regular voting members to terms that will expire in June 2018. Re-appointed Jonathan Nakapalau as Alternate No. 1 and Christine Tran as Alternate No. 2 to terms that will expire in June 2017.

Library Advisory Commission: re-appointed Marie Pham as a regular voting member to a term that will expire in June 2017. Re-appointed Nonie McDonald as Alternate No. 2 to a term that will expire in June 2017.

Parks, Recreation and Cultural Resources Commission: re-appoint Steve Munzel and Rohit Sharma as regular voting members to terms that will expire in June 2018.

* 6. CAC Workplan

Accepted and approved the 2016 Community Advisory Commission Work Plan.

* 7. EPC Bylaws	Approved changes to the Emergency Preparedness Commission By- Laws as recommended by Commissioners.
*10. Donation Request	Approved a donation of \$500 to the Alliance Renewal Kingdom Ministries for its SAM camp in the summer.
*11. Fee Waiver Request	Waived the fees of \$1,480 for rental of the Community Center Auditorium as requested by South Bay Kids music group for its fundraiser on July 11, 2015.
*12. Ordinance No. 65.144	Waived the second reading and adopted Ordinance No. 65.144 regarding solar permit streamlining.
*13. Ordinance No. 208.51	Waived the second reading and adopted Ordinance No. 208.51 amending Section VIII.2-5.38 of the Milpitas Municipal Code.
*14. Resolution - Accept Project No. 3402	Adopted Resolution No. 8488 granting initial acceptance of the McCarthy Blvd. Lighting & Landscape Improvements, Projects No. 3402, subject to a one year warranty period, and reduction of the faithful performance bond to \$35,284.52; and granting authorization to the Director of Engineering to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
*15. Resolution – for Automated Water Meters	Adopted Resolution No. 8489 approving plans and specifications for Automated Water Meter (Phase 1), Project No. 7121; awarding a contract to Preston Pipelines and authorizing the City Manager to execute the contract for the Automated Water Meter (Phase 1), Project No. 7121, in the amount of \$308,600.00; and authorizing the Director of Engineering to negotiate execute contract change orders for Automated Water Meter (Phase 1), in the cumulate amount not to exceed \$46,000.
*16. Resolution – Unclaimed Checks	Adopted Resolution No. 8490 transferring a total of \$3,487.34 in unclaimed checks and credits, per the list generated by the City’s Finance Department to the General Fund and according to standard operating procedure.
*18. Senior Nutrition Program	Approved Amendment No. 5 to the Master Agreement with the County of Santa Clara for the Senior Nutrition Program extending the term to June 30, 2016.
*19. Excess Workers Comp.	Authorized the City Manager to pay Brown & Brown of California the premium rate of \$132,691 and authorized Safety National Casualty Corporation to provide for the City’s excess workers’ compensation insurance for FY 2015-16.
*20. Purchase LED lights	Authorized the purchase of 1,750 LED retrofit street lights in the total amount of \$206,625.00 from HD Supply Power Solutions.
*21. Recreation vendors	Approved nine separate agreements between the City of Milpitas and the nine vendors for classes and camps in their appropriate dollar amounts for Fiscal Year 2015-16.
*22. Recology South Bay	Approved a Non-Exclusive Collection, Transportation and Recycling of Non-Putrescible Debris Agreement with Recology South Bay.
*23. Soundwall Renovation	Rejected the apparent low bid from OnPoint Construction in the amount of \$594,827, and authorized staff to repackage and re-advertise the project for bid proposals for the 2014 Soundwall Renovation, Project No. 4267.
*24. Agreements with RMC Water and Environment	1) Approved a consultant agreement with RMC Water & Environment for engineering services in the amount of \$482,792 for CIP No. 7118. 2) Approved a consultant agreement with RMC Water & Environment for engineering services in the amount of \$26,559 for CIP No. 7126 (per budget appropriation approval in the public hearing matter on this agenda regarding water conservation).

- 3) Approved Amendment No.2 to the consultant services agreement with RMC Water and Environment for Utility Engineering support in the amount of \$42,000.
- 4) Approved budget appropriation of \$482,792 from the Water Fund to CIP No. 7118.

- *25. Water Solutions Inc. 1) Approved a consultant agreement with Water Solutions, Inc. for engineering services in the amount of \$427,000.
2) Approved a new Capital Improvement Project, Supervisory Control and Data Acquisition (SCADA), Project No. 7127.
3) Approved budget appropriation in the amount of \$50,000 from the Water Fund to Project No. 7127.
- *26. HydroScience Approved a consultant agreement with HydroScience Engineers, Inc. for engineering services in the amount of \$51,000 for CIP No.7126.
- *27. Biggs Cardosa Assoc. Approved Amendment No. 1 to the agreement with Biggs Cardosa Associates, Inc. in the amount of \$6,900.00 and extend the term to June 17, 2016 for the Midtown Parking Garage Fire Door Conversion, Project No. 3407.
- *28. Milpitas Sports Center Pool Repair Project Approved pre-qualified bidders list for the Milpitas Sports Center Pool Repair Project No. 3408. Approved plans and specifications for Milpitas Sports Center Pool Repair and authorized the advertisement for bid proposals from pre-qualified bidders.
- *29. Silicon Valley Regional Interoperability Authority Approved and authorized the City Manager to execute the agreement with the Silicon Valley Regional Interoperability Authority (SVRIA).

PUBLIC HEARING

1. Water Conservation

City Engineer Steven Machida gave a report on the drought, supply of water, and recent requirements by state Governor and local suppliers (SCVWD and SFPUC) to reduce water use. He provided a great deal of data and information about the current situation statewide and here in Milpitas on water usage.

Items for the City Council to consider this evening, which he explained in detail:

- 1) Water conservation program, including increased use of recycled water,
- 2) Water conservation measures,
- 3) Water rationing program and,
- 4) Golf courses request for water.

Vice Mayor Montano strongly urged placing a door hanger on Milpitas residential customers homes, so that all customers understood about the drought and steps to take.

There was some discussion on specific recommended times for watering in the City. Staff had recommended 8:00 am to 8:00 pm in order to best conduct enforcement efforts. Vice Mayor Montano wanted to recommend different hours for allowing watering. Council member Grilli felt it did not make sense to encourage watering in the afternoon, during the heat of the day.

Vice Mayor Montano asked staff about specific amounts of water used for various household uses of water by residences.

Mr. Machida explained a newer request for water to serve hillside golf courses in Milpitas. Staff's recommendation was to deny that request, based on the need to reduce consumption and a lack of method to move recycled water up those hills. They were working with the two golf courses to locate possible other water sources.

Councilmember Giordano asked what was happening with San Francisco Public Utilities Commission (since Santa Clara Valley Water District was mentioned). She wondered if customers would be penalized if the full water allocation was not purchased. "Take or pay" approach was explained and a lowered allocation amount. Mr. Machida stressed the need for much more outreach before any penalties.

Councilmember Barbadillo asked about the current allocation for Milpitas. Staff said it was based on a tiered system. He also asked about conservation programs in place prior to the current proposals for meeting the statewide 30% reduction required.

Next, Mayor Esteves opened the public hearing at 9:27 PM and invited speakers.

Garry Long, a Silvera St. resident, asked if renters who were abusing water could have the landlord penalize the tenants. If the City was fined by SCVWD or Hetch Hetchy, then the biggest reason would be due to the thousands of new residents coming in to the city. He wanted to know if the fine to the City would be passed on to customers then.

Robert Marini, Milpitas resident, commented on a lose-lose situation for the water situation and drought. The City already overcharged for water as it is and City ought to reward people for conservation.

Greg Jenner, of Spring Valley Golf Course, had worked with staff on its request for temporary water and seeking recycled water extension pipeline at the golf courses on the hill. He understood the staff recommendation and the golf courses did get temporary water supply from SCVWD. He thanked the City.

Heidi Wolff-Reid, Yosemite Drive resident, appreciated this mandate and some people should be penalized for over-watering. Monitoring water use of a building she owned, she checked monthly usage. Having a system to monitor it in real time would be so helpful, rather than the three months later when the bill comes. She was stymied by the times for water suggested by the staff recommendation.

Voltaire Montemayor, Milpitas resident, stated those efforts he agreed with. A solution to the drought could include managing reservoirs.

Frank Serpa, Calaveras Rd resident, said last year water stopped and he had a well for 47 years but it stopped. He got enough water so far for this year. He asked if wells were banned on city property and commented more must be done to conserve.

Tom Valore, Cardiff Place resident, just received his water bill but the next one would not come until the end of August. That was well into the summer to learn about his household water use. Financial penalties were not particularly useful, but those who could not afford those would hurt more. Water storage needed emphasis, he believed.

(1) Motion: to close the public hearing, after hearing seven speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8487 to (i) approve a Water Conservation Plan due to state water shortage, (ii) approve a new Capital Improvement Program project No. 7126 titled Water Conservation Program; (iii) approve budget appropriations of \$600,000 from the Water Fund and \$200,000 from the Park Funds, and (iv) deny requests from two Milpitas hillside golf courses for temporary emergency water supply

The motion also included specified hours for watering landscaping from 6:00 to 10:00 AM and 7:00 to 9:00 PM.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Councilmember Grilli asked if the motion included an adjustment to landscape watering times (as different from the staff recommendation). Councilmember Giordano then amended her motion to the specified hours noted.

Motion carried by a vote of:

AYES: 5
NOES: 0

City Attorney Ogaz read aloud the title of Urgency Ordinance No. 240.3 “An Urgency Ordinance of the City Council of the City of Milpitas Amending Chapter 6 of Title VIII of the Milpitas Municipal Code relating to Supplemental Water Use Restrictions as Required by State Law.”

(3) Motion: to waive the reading of the Ordinance No. 240.3

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

(4) Motion: to adopt Urgency Ordinance No. 240.3 for immediate water conservation efforts in Milpitas

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

At 9:51 PM, City Council took a break and reconvened at 10:01 PM.

UNFINISHED BUSINESS

2. RFP For Solid Waste Contract

City Engineer Steven Machida reported that the City was ready to go out for the Request for Proposals step in the process for solid waste services. He introduced Peter Deibler from the consultant firm, HF&H, and asked the City Council to release the RFP package next week. He discussed key terms of the contract. Mr. Machida commented on the next steps on the contract process, which included an amendment to the City’s contract with HF&H to continue their work.

Vice Mayor Montano asked the consultant if he would foresee any bumps in the transition of services if another contractor selected, compared to the current one. Mr. Deibler responded those were tricky, but his company had helped assist with that a couple times.

Mayor Esteves remarked that all current services would be retained in a new RFP. The Mayor wondered if the garbage collector would do once a year curbside pick up of large items only. Mr. Deibler replied that the team already included in the RFP the availability of on-call four times per year for special pick up.

Next, the Mayor invited speakers from the audience.

Garry Long, a Silveira Street resident, did not hear mention of “Dump Day” and would like to make sure that was included, since it was so helpful to residents. He urged having a debris box at home for a reduced rate, once per year.

Tom Valore, Cardiff Place resident, said the City was prohibiting submission of a proposal to get the best service for the best price. Disposal and hauling should be with one company, not separate submittals.

Voltaire Montemayor, Milpitas resident, said a good program was set up now with recyclables and other items put on the curb for pick-up.

Robert Marini, Milpitas resident, asked about the length of time of a contract. He wondered what residents could do if unhappy with service after just a few years.

Motion: to direct staff to issue a Request for Proposals for collection and disposal of solid waste, recyclables, and organics; and, approve Amendment No. 1 to the consultant agreement with HF&H Consultants for solid waste procurement services for \$49,925 for the Capital Improvement Program, Project No. 3401

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

**3. Info on Water and Sewer
Rate Calculations**

This item was not heard and would be continued to the next City Council meeting.

REPORT

**5. City Council City Attorney
Subcommittee**

Councilmember Giordano reported that the City Attorney Subcommittee met twice (including Councilmember Grilli) and brought information and action items for this meeting. She thanked the Mayor for allowing the subcommittee to look at costs of the City Attorney's office, and she had served on the subcommittee in the past starting in 2005. She provided some history of past review of contract City Attorney services versus in-house. She compared costs in the cities of Campbell, Mountain View and Redwood City. Ms. Giordano noted the lack of considering costs for contracted outside legal services the last time. It was estimated to be a 20-40% savings, she calculated. The Subcommittee recommended going out for a Request for Proposals for outside legal services to save costs for Attorney services in the budget.

Councilmember Grilli referred to the request by the City Attorney to hire one new Deputy City Attorney, and how that would or would not save costs for outside legal services. She agreed with the report just stated by Councilmember Giordano. Ms. Grilli noted the varied areas of expertise available when using an outside legal firm, such as she had experienced when serving on the School Board.

Councilmember Barbadillo asked if the recommendation was to abolish the current in-house office of City Attorney and Councilmember Giordano said yes. He then asked if the Subcommittee considered the growth of Milpitas, in population and in more complex issues coming, including the Transit Area Specific Plan for example. Councilmember Grilli responded yes, in discussion of the needs of the City.

Vice Mayor Montano asked Councilmember Grilli what percent of legal services were for outside counsel, how much was spent on outside cases for how many hours, and did the City prevail. Outside specialists for outside legal services could charge high rates up to \$400 per hour. She commented on the accessibility of in-house, full time Attorney.

Mayor Esteves responded to the Vice Mayor, that last time the City contracted out, the City Attorney was present in the City offices.

After the City Council discussed some of the material provided in the agenda packet, City Attorney Mike Ogaz commented that there were differences of opinion on costs. He gave a memo to the Subcommittee, describing cost savings to have in-house counsel with some need always for outside counsel. He provided a variety of facts on court and other legal matters his office had handled in the last eight years. His memo to the Subcommittee noted that Attachment B (to a memo from City Manager) had referred to \$2.5 million in outside costs, which included ABAG costs for counsel that were not part of his budget or his department. Those ABAG fees would continue no matter what, in or outside, which should be \$1.8 million.

Councilmember Barbadillo asked Mr. Ogaz asked what else his office did beyond the court cases. Mr. Ogaz read from a lengthy memo he wrote to answer that.

Councilmember Barbadillo asked of the Subcommittee members, were all of those duties of the City Attorney considered in their report and Councilmember Giordano said yes.

Mayor Esteves felt the issue was: what structure for legal services should the City have. He was more in favor of retaining contracted legal services with opportunity for access to a versatile expertise in lawyers in all subject areas. In terms of accessibility, the attorneys would be always available. Rates would be the negotiated rate in the contract.

Next, the Mayor asked for comments from the audience.

Robert Marini, Milpitas resident, wanted to know if the effort was to eliminate or reduce current staff altogether. Some laws on the books regarding sewer rates were supposed to be proportional, and he had not heard the City Attorney advise Council of this fact.

Voltaire Montemayor, Milpitas resident, urged the City Council conserve the talent, with sides, flow, and productivity.

Vice Mayor Montano noted the population of the compared cities was much different than Milpitas, a unique city with lots of projects and cases going on right now with the current City Attorney, including defending police officers. The City was already outsourcing parks services. She felt there was a need to have a legal attorney to call our own, who was accessible all the time. It was important she felt to keep the City Attorney and keep the position in-house versus contracted out.

Councilmember Barbadillo urged his colleagues to not just consider cost savings on this issue, but rather all factors. He urged others to “deal with it” if there was a problem with current staff in City Attorney office and to define what the problem truly was.

Mayor Esteves responded to him, repeating what he had said earlier about the structure of the City Attorney’s office.

Councilmember Grilli had no issues with any employee of the City Attorney’s office. Her concern was with the request for additional staff and the need to keep costs down. She wanted to maintain quality of life for residents in this community, by controlling costs.

Motion: 1) to go to a contract legal service, 2) immediately go to a Request for Proposals (RFP) process (could use examples from other cities that have done so) with the Assistant City Manager helping to facilitate the RFP process, and/or hire an outside legal consultant to work with the ACM to do the RFP process, and 3) set a meeting in Closed Session of the City Council by the first week of July to address the current legal staff that’s in place right now

Motion/Second: Councilmember Giordano/Councilmember Grilli

City Attorney Ogaz commented on the first part of the motion, which was not on the agenda for going to contract legal services. Mr. Ogaz said the Council would go beyond Brown Act to consider the first item. He suggested restricting the motion to the second item and third item in the motion.

Councilmember Giordano expressed her intent was to look at and go forward with contract out legal services, otherwise they would not implement the RFP process.

Mayor Esteves said he was not a lawyer. When he requested for this to be on the agenda, he said it should be more than information; rather, as an action item for the Council. He commented on what the recommendation of the City Attorney subcommittee was, as the staff report noted. He was comfortable voting on the recommendation of the subcommittee. The Mayor repeated the motion that was made by Councilmember Giordano.

Motion carried by a vote of:

AYES: 3

NOES: 2 (Montano, Barbadillo)

NEW BUSINESS

8. Ballot Measures T and Z

This item was not heard and would be continued to the next City Council meeting.

9. Quarterly Economic Development Report

This item was not heard and would be continued to the next City Council meeting.

ORDINANCES

Two ordinances were adopted on the consent calendar.

RESOLUTIONS

Three resolutions were adopted on the consent calendar.

17. Resolution - affordable housing policy

City Manager Williams had asked to remove this item from consent, due to a request from the BIA organization to address it. However, the representative from that organization was no longer present (at 11:24 PM).

Councilmember Grilli supported the goal of providing affordable housing, but needed a legal opinion as to how defensible the policy would be. She had concerns that the City would be liable, if challenged, since the nexus study was not yet completed. It was a matter of the legal standing issue.

City Attorney Ogaz commented back to her that this policy would be supportable from his point of view (especially due to a court decision about San Jose announced this week.).

Mayor Esteves felt the 5% amount in the proposed policy was a good effort, and he would support it.

Motion: to adopt Resolution No. 8491 approving condition of approval language to require affordable housing in all new residential developments

Motion/Second: Vice Mayor Montano/Mayor Esteves

Motion carried by a vote of:

AYES: 3

NOES: 2 (Grilli, Giordano)

AGREEMENTS

Twelve items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the joint meeting at 11:30 PM.

*Meeting minutes drafted and respectfully submitted by
Mary Lavelle, City Clerk*